

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

DEC 20 2005

**Eastern District of Washington**

JAMES R. LARSEN, CLERK

DEPUTY  
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Kelly Gordon Newell

Case Number: 2:05CR06058

Name of Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: June 3, 2002

Type of Supervision: Supervised Release

Original Offense: Possession with Intent to Distribute  
Marijuana, 21 U.S.C. § 841(a)(1) & (b)(1)(B)

Date Supervision Commenced: March 19, 2004

Original Sentence: Prison - 30 months; TSR - 36  
months

Date Supervision Expires: March 18, 2007

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 18 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**CAUSE**

Mr. Newell was originally sentenced in the District of Arizona. He released to the Eastern District of Washington where he was being supervised up until November 2005, by the U.S. Probation Office in Richland. Mr. Newell has a history of controlled substance use. While he was supervised in Richland, he failed to submit to several urinalysis tests. After his relocation to the Spokane area, he agreed to the aforementioned modification and he was placed on a phase testing program through Iverson Center. Probation is requesting the offender's urinalysis condition be modified to comply with the United States v. Stephens (9<sup>th</sup> Cir. 2005) case.

The offender has signed a waiver of hearing agreeing to the above noted modifications to supervised release. A copy of this waiver is attached.

Respectfully submitted,

by

  
Missy K. Kolbe

U.S. Probation Officer

Date: December 15, 2005

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Prob 12B

**Re: Newell, Kelly Gordon**

**December 15, 2005**

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THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

12/20/05

Date